




# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,896	10/26/1999	YOSHIYUKI IMANAKA	35.C13949	2496
5514	7590	07/25/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			NGUYEN, LAM S	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2853	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/426,896	Applicant(s) IMANAKA ET AL.	
	Examiner LAM S. NGUYEN	Art Unit 2853	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5,7,9-17,20-26,28-30 and 68-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,11,12,17,20,21 and 68-71 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,7,9,10,13-16,22-26 and 28-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1, 21, and 68 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 36 of copending Application No. 10/052338 (cited as reference US 2002/0140751 A1 and amended on 03/16/2005). This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.
2. Claims 17 and 70 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 44 of copending Application No. 10/052338 (cited as reference US 2002/0140751 A1 and amended on 03/16/2005). This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.
3. Claims 11 and 12, 20, 69, and 71 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 36, 44, 68, and 70, respectively, of copending Application No. 10/052338 (cited as reference US 2002/0140751

Art Unit: 2853

A1 and amended on 03/16/2005) in view of Kishida et al. (US 5172134). This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 36, 44, 68, and 70 of copending Application No. 10/052338 discloses the claimed invention as discussed above except wherein said recording execution means includes plural recording elements for recording the recording image signal parallel outputted from said the latch circuit, corresponding to a recording pulse signal externally entered into one of said external connection terminals, wherein said the recording element is a heat generating element, and wherein the logic signal is a latch signal for latching the recording image signal.

Kishida et al. discloses a printhead structure having recording execution means including plural heat-generating recording elements (*FIG. 4A, elements 7*) for recording a recording image signal (*FIG. 4A, element SI*) parallel outputted from a latch circuit (*FIG. 4A, elements 5*) in accordance to a latch signal (*FIG. 4A, elements LAT*) corresponding to a recording pulse signal externally entered into one of external connection terminals (*FIG. 4A, element ENB*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to structure the printhead disclosed by claims 36 and 44 of copending Application No. 10/052338 such as plural heat-generating recording elements for recording the recording image signal parallel outputted from a latch circuit corresponding to the recording pulse signal as disclosed by Kishida et al. since this is a common structure well known in the art for forming an thermal ink jet printhead.

***Allowable Subject Matter***

Art Unit: 2853

Claims 2-3, 5, 7, 9, 10, 13-16, 22-26, 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Referring to claims 2-3, 5, 7, 9, 10, 13-16, and 22:** The reasons for allowance were indicated in the previous office action.

**Referring to claims 23-24:** The primary reasons for the indication of the allowability of the claims is the inclusions therein, in combination as currently claimed, of the limitation that input means for individually transmitting the binary logic signal of the first state and various signals such as the recording image signal and the clock signal respectively to plurality of said external connection terminals of said printing head, causing said recording execution means to execute a recording operation and access control means for transmitting the binary logic signal of the second state and the clock signal to said plural external connection terminals of said printing head, causing said memory access means to execute the memory access is neither disclosed nor taught by the cited prior art of record, alone or in combination.

Claims 25-26 and 28-30 are allowed because they depend directly/indirectly on claim 23 or 24.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S. NGUYEN whose telephone number is (571)272-2151. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2853

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN  
July 21, 2005



HAI PHAM  
PRIMARY EXAMINER